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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/846,424                         | 05/01/2001  | Joseph Lee Shriver   | 38190/233578        | 4590             |
| 826                                | 7590        | 01/22/2009           | EXAMINER            |                  |
| ALSTON & BIRD LLP                  |             |                      | FISHER, MICHAEL J   |                  |
| BANK OF AMERICA PLAZA              |             |                      |                     |                  |
| 101 SOUTH TRYON STREET, SUITE 4000 |             |                      | ART UNIT            | PAPER NUMBER     |
| CHARLOTTE, NC 28280-4000           |             |                      | 3689                |                  |
|                                    |             |                      |                     |                  |
|                                    |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                    |             |                      | 01/22/2009          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/846,424             | SHRIVER ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | MICHAEL J. FISHER      | 3689                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 October 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,889,197 to Lidow.

As to claims 1,16, Lidow discloses a supply chain visibility system connected to a network (fig 24) that coordinates a supply chain of actual parts needed to complete a set of parts (268, fig 17), supplied by a plurality of suppliers (suppliers, 76, as best seen in fig 22), with a processing element configured to generate a plurality of user interfaces (a computer, inherent in that Lidow discloses using the Internet, col 26, lines 62-67) that connects suppliers, recipients via a network (fig 24), a configuration panel that displays a final configuration agreed to by the suppliers and recipients (fig 21), a delivery

schedule (fig 2, and 100, as best seen in fig 16), a template panel operable to display a common set of parts (278, products, as best seen in fig 17), a statement of work panel operable to display the final set of parts (invoice 532, as best seen in fig 21), a shipment entry panel that receives shipping status data (262, as best seen in fig 17), a processing element comparing the shipping status data of the actual parts (fig 17, 264, “validate quantity against supply plan” to 270 “valid?”), an initial release panel that can display a preliminary configuration to facilitate negotiation (fig 3), changes would be incorporated inherently if they were decided on and further, Lidow teaches allowing changes, including to the “initial panel” if there are problems (fig 14), thereby meeting the limitations as claimed.

Lidow does not, however, specifically mention that the interface is graphical. It would have been obvious to one of ordinary skill in the art to modify the system as taught by Lidow by using a graphical user interface (GUI) as GUIs are very well known in the art to ease use of the Internet. It further would have been obvious to allow customers to provide changes to increase customer satisfaction and further, to display those changes to ensure that they are followed.

As to claims 2,17, Lidow discloses an electronic mail option (messaging section 588).

As to claims 3,18, Lidow discloses displaying the actual shipping status, the invoice would inherently include the part numbers and a listing of actual parts (fig 19).

As to claims 4,5,6,19,20,21, Lidow discloses “supplier performance statistics”, while not specifically discussed, it would have been obvious to one of ordinary skill in

the art to track discrepancy information and returned part repair information in that section as they would directly relate to supplier performance.

As to claims 7,22, the parts needed to be replaced are those ordered, as discussed above, they are displayed.

As to claims 8,23 the replacement part information and replacement part are those ordered.

As to claims 9,24, Lidow discloses a shipment in transit panel (as can be seen in fig 16 above sections labeled “74 supply chain server”, “76, suppliers 1 supplier 2” and “96 carrier”).

As to claims 10, Lidow discloses a link to contact information to the suppliers (col 23, lines 11-17).

As to claims 11,25, Lidow discloses disclosing the shipping date and keeping it up to date (fig 17).

As to claims 11,12,26, as Lidow discusses tracking the status of deliveries, it would have been obvious to one of ordinary skill in the art to track delivery times and dates to ensure that the parts are delivered on time to increase customer satisfaction.

As to claims 13,27, the configuration would inherently be agreed to by the supplier as the supplier would use it.

As to claims 14,28 it is very well known in the art to allow for a change of configuration in panels, therefore, it would have been obvious to one of ordinary skill in the art to allow a user to configure a panel as they see fit to allow the user to customize the panels in a manner that they prefer to increase customer satisfaction.

As to claims 15,29, as discussed, Lidow discloses electronic mail that would be operable to transmit any messages desired.

As to claims 30,31 as discussed, the display displays the list of parts, thereby meeting the limitations as claimed.

### ***Response to Arguments***

As to arguments in relation to “preliminary configuration” being changeable, this is an obvious modification, any orders that can be changed would need such a system in order to allow changes. Therefore, only if an order is unchangeable would such a system not be needed.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF  
3/31/08  
/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3689